

**BRYAN CITY COUNCIL
MINUTES OF REGULAR MEETING
DECEMBER 15, 2015 – 12:30 P.M.**

A regular meeting of the Bryan City Council was held on Tuesday, December 15, 2015, in the Council Chambers of the Bryan Municipal Building. A notice of the meeting was posted at least 72 hours in advance in accordance with Section 551, Texas Government Code. Mayor Jason Bienski and Councilmembers Al Saenz, Rafael Peña, Greg Owens, Mike Southerland, Ben Hardeman and Buppy Simank were present. Also present were City Manager Kean Register, City Attorney Janis Hampton and City Secretary Mary Lynne Stratta.

1. CALL TO ORDER

The meeting was called to order at 12:51 p.m.

2. INVOCATION AND PLEDGES OF ALLEGIANCE TO THE U.S. AND TEXAS FLAGS

Councilmember Simank gave the invocation and Councilmember Southerland led the pledges.

3. HEAR CITIZENS

Mr. Waymon Chatham, 1200 Wellington, expressed concern about neighborhood drainage problems. Mr. John Miller, 714 Williamson Street, expressed concern about Council meeting times.

4. CONSENT (AUTOMATIC APPROVAL) AGENDA

Councilmember Hardeman made a motion to approve the consent agenda. The motion was seconded by Councilmember Southerland. Discussion followed about agenda items 4 c, 4 f and 4 g. The motion carried unanimously.

a. Approval of Minutes – Workshop and Regular Meetings of November 24, 2015

b. Consideration – Payment Card Industry Compliance Services Contract

Consider approving a five-year contract with Vaco Risk Solutions for Payment Card Industry Compliance Services in an amount not to exceed \$162,540. Source of Funds: I.T. Budget.

c. Consideration – Contract Extension with Specialized Public Finance, Inc.

Consider approval of the second and final extension of an agreement with Specialized Public Finance, Inc., to provide financial advisory services. Source of Funds: Debt Service Funds.

d. Consideration – Water Meter Reading Contract Extension

Consider approving the fifth year of payment for a water meter reading services contract to Alexander's, Inc., in an amount not to exceed \$100,000. Source of Funds: Water and Wastewater Operating Fund.

e. Consideration – Amended Contract for Professional Services for the Bryan Aquatic Center

Consider awarding an amended contract for professional services for renovation, design, and construction services for the Bryan Aquatic Center with C.T. Brannon Corporation for a fixed fee not to exceed \$48,000. Source of Funds: General Fund.

f. Consideration – Transportation Engineer Contract

Consider awarding a professional services contract for the City of Bryan Transportation Engineer Consultant to Gary Schatz, PE, PTOE, Texas PE Firm F-16936, in an amount not to exceed \$150,000. Source of Funds: Transportation Fee.

g. Consideration – Coulter Airfield Fuel Provider Contract

Consider authorizing the Mayor to execute a five-year contract with EPIC Aviation, L.L.C., as the aviation fuel provider for Coulter Airfield. Source of Funds: Coulter Airfield Airport Fund.

h. Consideration – Contract with Physio-Control, Inc.

Consider approving a three-year service contract with Physio-Control, Inc., for annual service and repair of LIFEPAK devices for the Bryan Fire Department for the total amount of \$78,515.69. Source of Funds: Fire Department Budget.

i. Consideration – Brazos Central Appraisal District Fiscal Year 2016 Funding

Consider authorizing annual operating expenditures for the Brazos Central Appraisal District (BCAD) for service provided to the City of Bryan in the amount of \$251,023 for Fiscal Year 2016 pursuant to Chapter 6.06 (D) of the Property Tax Code. Source of Funds: General Fund.

j. Second and Final Reading of an Ordinance – Rezoning Request (RZ15-17)

Second and final reading of Ordinance No. 2130 of the City of Bryan, Texas, amending Chapter 130, Zoning, of the City of Bryan Code of Ordinances, by changing the zoning classification from Agricultural – Open District (A-O) to Retail District (C-2) on 42.59 acres of land out of John H. Jones Survey, Abstract No. 26, and adjoining the southeast side of State Highway 47 north from Raymond Stotzer Parkway in Bryan, Brazos County, Texas.

k. Second and Final Reading of an Ordinance – Amending Chapter 118, Section 55 “Schedule of Maximum Speed Limits”

Second and final reading of Ordinance No. 2131 of the City of Bryan, Texas, amending Chapter 118, Section 55, “Schedule of Maximum Speed Limits” of the City of Bryan Code of Ordinances by revising speed zones on Farm to Market Road 2818; providing for a penalty, providing for publication and providing an effective date.

l. Second and Final Reading of an Ordinance – Annexation (ANNEX 15-03)

Second and final reading of Ordinance No. 2132 of the City of Bryan, Texas, annexing 152.8 acres of land out of the John H. Jones Survey, Abstract No. 26, located generally south of Texas State Highway 47 southwest from its intersection with HSC Parkway and adjoining the northeast

side of Jones Road in Brazos County, Texas, and being adjacent and contiguous to the present corporate limits of the City of Bryan, Texas; finding that all necessary and required legal conditions have been satisfied; describing the territory annexed and providing a service plan therefor; obligating the property situated therein to bear its pro rata part of taxes levied; providing rights and privileges as well as duties and responsibilities of inhabitants and owners of said territory. (*Segunda y última lectura de una ordenanza de la Ciudad de Bryan, Texas, anexando 152.8 hectáreas de terreno de la encuesta John H. Jones, Resumen No. 26, situado generalmente al sur de Texas State Highway 47, sudoeste de la intersección con HSC Parkway y junto a la parte noreste del camino Jones Road en el Condado de Brazos, Texas y siendo adyacente y contiguo a los límites corporativos presentes de la Ciudad de Bryan, Texas; encontrando que todas las condiciones legales necesarias y requeridas han sido satisfechas; la descripción del territorio anexado y proporcionar un plan de servicio para ello; obligando la propiedad situada allí para llevar su parte proporcional de impuestos gravados; proporcionar derechos y privilegios, así como deberes y responsabilidades de los habitantes y dueños de dicho territorio.*)

5. STATUTORY (AUTOMATIC APPROVAL) AGENDA

It was announced agenda 5 h would be removed from the statutory agenda for separate consideration. Councilmember Owens made a motion to approve the remainder of the statutory agenda. The motion was seconded by Councilmember Hardeman. After staff answered questions regarding agenda items 5 a, 5 b, 5 d, 5 e, 5 f, and 5 i, the motion carried unanimously.

a. Consideration – Rejection of Bid for Burton Creek Concrete Channel Maintenance Phase 1

Consider rejecting the bid for Burton Creek Concrete Channel Maintenance Phase 1 construction contract from Fuqua Construction Company in an amount not to exceed \$260,867.63. Source of Funds: Drainage Fee.

b. Consideration – Design Contract for North Bryan-Woodville Road Sewer Replacement

Consider approving a professional services contract with RME Consulting Engineers for the design of the North Bryan-Woodville Road Sewer Replacement Project in an amount not to exceed \$103,700. Source of Funds: Water Fund Operating Budget and Transportation Fee.

c. Consideration – 2016 Health Plan Medical Stop Loss Insurance

Consider awarding the 2016 Health Plan Stop Loss Insurance to Symetra with a projected annual cost of \$611,777. Source of Funds: Employee Benefits Fund.

d. Consideration – Bryan/College Station Model Railroad Society Lease Renewal

Consider approving the renewal of a lease agreement with the Bryan/College Station Model Railroad Society for the continued use of a building in Bonham Park.

e. Consideration – Interlocal Agreement for Inmate Labor

Consider approving an interlocal agreement with Brazos County for the Brazos County Sheriff's Department to provide controlled inmate laborers to perform landscaping, litter patrol and other minor public works projects within the city of Bryan. Source of Funds: Streets and Drainage Operating Budget.

f. Consideration – Greenbrier Subdivision Oversize Participation Agreement

Consider authorizing the Mayor to execute a development agreement to cost participate in the construction of sanitary sewer lines for Phase 13 of the Greenbrier Subdivision to accommodate future growth in the area, with the developer Carter Arden Development, L.L.C., in an amount not to exceed \$158,989. Source of Funds: Wastewater Operating Fund.

g. Resolution – Hazard Mitigation Grant Program for the Acquisition of Flood Prone Properties

Adoption of Resolution No. 3640 of the City Council of the City of Bryan, Texas, authorizing the City Engineer to submit a grant application to the Hazard Mitigation Grant Program (HMGP) of the Federal Emergency Management Agency through the Texas Department of Public Safety for an estimated amount of \$675,000 in grant funds for proposed voluntary hazard mitigation acquisition buyout and demolition project; supporting the City’s application to the HMGP; and authorizing the Mayor to execute a contract with the Texas Department of Public Safety, with an estimated commitment from the City of \$225,000. Source of Funds: Drainage Fund.

i. Resolution – New Cemetery Fee Schedule

Adoption of Resolution No. 3641 of the City Council of the City of Bryan, Texas, repealing Resolution 2894; setting the selling price of grave spaces at the Bryan City and Oakwood Cemeteries.

j. First Reading of an Ordinance – Amending Chapter 46, “Stormwater Management” Article III, “Municipal Stormwater Management”

First reading of an ordinance of the City of Bryan, Texas, amending Chapter 46 “Stormwater Management” of the City of Bryan Code of Ordinances, by repealing and replacing Article III, “Municipal Stormwater Management”; providing for penalties, providing for publication, and providing an effective date.

k. First Reading of an Ordinance – Amending Chapter 10, “Animals” - Establishing Standards for Seizures and Impoundment of Animals

First reading of an ordinance of the City of Bryan, Texas, amending Chapter 10, “Animals” of the City of Bryan Code of Ordinances, establishing standards for seizures and impoundment of animals.

Council then considered the item removed from the statutory agenda for separate consideration.

h. Resolution – Bryan-College Station Convention and Visitors Bureau Fiscal Year 2016 Funding

City Attorney Hampton advised a correction was needed to paragraph 4.7 to read that the annual financial statements shall be prepared by an independent accounting firm. Mayor Bienski moved to adopt Resolution No. 3642 of the City Council of the City of Bryan, Texas, approving a budget for the fiscal year beginning October 1, 2015, and ending September 20, 2016, inclusive, for the Bryan-College Station Convention and Visitors Bureau (CVB) with total expenditures of \$2,276,218.34 and revenues in the combined total amount of \$2,276,218.34; and authorizing the Mayor to sign a funding agreement with the CVB to provide funding for Fiscal Year 2016 in the

amount of \$381,964 (Source of Funds: Fiscal Year 2016 Hotel Occupancy Tax); with the correction as noted by the City Attorney. The motion was seconded by Councilmember Southerland. Concern was expressed that CVB advertising for sporting events and tournaments include references to the Bryan Regional Athletic Complex (BRAC), and that the CVB marketing staff work with the City's marketing staff to be certain the City of Bryan was promoted appropriately. Councilmember Peña moved to suspend the rules to allow the CVB Executive Director to address the Council. The motion was seconded by Councilmember Saenz and carried with six yeases and one no (Councilmember Owens). Shannon Overby, CVB Executive Director, stated that CVB marketing and advertising does not specify any one facility. She said when bidding for sports events that could use BRAC, it is included in the bid details. After discussion the motion carried unanimously.

6. REGULAR AGENDA

a. Consideration – Chapter 380 Agreement with BCS Modern Living, L.L.C.

Councilmember Hardeman moved to approve a Chapter 380 Agreement between the City of Bryan and BCS Modern Living, L.L.C., to facilitate the construction of a high-end, multi-story, mixed-use development in Downtown North on land in Block 264 and Block 265 of the Bryan Original Townsite, currently owned by Bryan Commerce and Development, Inc., in Bryan, Brazos County, Texas (Source of Funds: General Fund). The motion was seconded by Councilmember Simank. Details of the agreement were outlined. Councilmember Saenz moved to suspend the rules to allow developer Chris Lawrence to answer questions about the project. The motion was seconded by Councilmember Simank and carried unanimously. He provided details about the project and answered questions. The main motion carried unanimously.

b. Consideration – Establishing a Quiet Zone Advisory Committee

Councilmember Hardeman moved to establish a Quiet Zone Advisory Committee, comprised of members Solomon Nyanhongo, Gary Schatz, Chris Lawrence, Randall Spradley and one member of the Bryan City Council, to research and report to the Bryan City Council on the feasibility of implementing a quiet zone in and around downtown Bryan. The motion was seconded by Councilmember Southerland. Councilmember Owens moved to amend the motion to add Councilmember Saenz as a member of the committee. The motion was seconded by Councilmember Peña. The motion to amend carried unanimously. It was requested the Downtown Bryan Association be kept informed of the committee's progress and status of discussion. The main motion as amended carried unanimously.

c. Consideration – Appointment of Individuals to Various Boards and Committees

Mayor Bienski moved to appoint Craig Regan to a vacancy on the Community Development Advisory Committee for a term expiring on December 31, 2016, and appoint James Edge to the Bryan Business Council for an unexpired term expiring on December 31, 2017. The motion was seconded by Councilmember Owens and carried unanimously.

d. Consideration – Appointment of Planning and Zoning Commissioners to Comprehensive Plan Advisory Committee

Mayor Bienski moved to appoint Planning and Zoning Commissioners Kyle Incardona and Bobby Gutierrez to the Comprehensive Plan Advisory Committee to fill two vacancies, as recommended by the Commission. The motion was seconded by Councilmember Hardeman.

Councilmember Peña moved to amend the motion by substituting Ryan McClerran for Bobby Gutierrez. It was pointed out these individuals had to be members of the Planning and Zoning Commission, so the motion to amend was not considered. The main motion carried with six yeases and one absent (Councilmember Owens was out of the room at the time of the vote).

e. Consideration – Ratification of Appointment of Councilmembers to Boards and Committees

Mayor Bienski moved to ratify the City Council discussion and consensus at the November 24, 2015, workshop meeting assigning Councilmembers to various boards and committees as follows: Councilmember Al Saenz – Brazos County Health Board, Texas A&M Student Senate Liaison, Tax Increment Reinvestment Zone (TIRZ) #21 Board, Intergovernmental Committee, Research Valley Partnership (RVP) Technical Committee, and the Bryan ISD Committee alternate; Councilmember Rafael Peña – Texas A&M Student Senate Liaison, Emergency Operations Center Committee, Sister Cities Board, TIRZ #21 Board, Texas Workforce Commission Special Committee, and RVP Technical Committee; Councilmember Greg Owens – Brazos Valley Solid Waste Management Agency Board, Audit Committee, TIRZ #22 Board, Bryan ISD Committee, and the Metropolitan Planning Organization Policy Board (Mayoral appointment); Councilmember Mike Southerland – Brazos Valley Veterans Memorial Board, Bryan ISD Committee, Intergovernmental Committee, TIRZ #19 Board, Brazos Valley Wide Area Communications System Board, Water Board Liaison, and Brazos Transit Board (nominated by Mayor); Councilmember Ben Hardeman – Bryan Business Council liaison, Audit Committee, Convention and Visitors Bureau Board, Bryan Animal Center Advisory Committee, and TIRZ #10 Board; Councilmember Buppy Simank – Brazos County Health Board (to replace Councilmember Owens), Bryan ISD Committee, Audit Committee, Easterwood Airport Committee (Mayoral appointment), BTU Board liaison, and Intergovernmental Committee. Mayor Bienski will continue to serve as follows, with some of the positions reserved for the Mayor only: Brazos Valley Solid Waste Management Agency Board, Research Valley Partnership Board, Bryan-Brazos County Economic Development Foundation Board, and Brazos Valley Council of Governments Board. The motion was seconded by Councilmember Hardeman. Councilmember Southerland moved to postpone consideration until after agenda item 6 h was considered. The motion was seconded by Councilmember Saenz. It was opined a policy was needed before making Council committee assignments. It was stated the Mayor had made suggestions at the last meeting, with concurrence of a Council majority. After further discussion, the motion to postpone failed to carry with a vote of three yeases (Councilmembers Saenz, Peña and Southerland) and four noes (Mayor Bienski and Councilmembers Owens, Hardeman and Simank). Suggestions followed about possible changes in the assignments. Concern was expressed again about the methodology employed to make these assignments. The motion to ratify the list as read in the main motion carried with four yeases (Mayor Bienski and Councilmembers Owens, Hardeman and Simank) and three noes (Councilmembers Saenz, Peña and Southerland).

f. Consideration – Council Boards and Commissions Assignment Policy

Councilmember Peña moved to direct the City Secretary to write a Council boards and commissions assignment policy that makes committee assignments by seniority, allowing the longest continuously serving councilmember to make the first selection of an equal number of committee positions and continue by seniority until all positions have been assigned. The motion was seconded by Councilmember Saenz. The purpose of this agenda item, which was submitted by two Councilmembers, was explained. It was stated it was a common practice in cities for the council presidents or mayors to make appointments to different committees; however, the point

was reiterated Mayor Bienski did not make these appointments but only made suggestions. After further discussion, the motion failed to carry with three yeases (Councilmembers Saenz, Peña and Southerland) and four noes (Mayor Bienski and Councilmembers Owens, Hardeman and Simank).

g. Consideration – Council Boards and Commissions Assignments

This agenda item, submitted by two Councilmembers, was not considered or discussed.

h. Consideration – Council Boards and Commissions Reports

Councilmember Southerland moved to require each Councilmember after each committee meeting to present a report about the committee meeting in writing or verbally at a Council workshop meeting. The motion was seconded by Councilmember Peña. This agenda item was submitted by two Councilmembers. The City Attorney advised if this was placed on the workshop agenda, the Councilmembers could provide a report, but no questions could be asked or answered since there was no way to post advance notice of the specific topics of the discussion. She added any item requiring additional discussion could be placed on a future agenda. The motion carried unanimously.

i. Consideration – University Drive Extension Zoning

Mayor Bienski moved to deny this agenda item, which was submitted by two Councilmembers, to direct staff to develop a planned development or other appropriate zoning along and within 1000 feet of the extension of University Drive; the zoning should require the same development in like kind and quality as the Oakmont Subdivision currently under development with only single family residential construction with a finished minimum value of \$350,000 or parks and commercial only within 400 feet of Boonville Road; and the recommendation should be returned for Council consideration by the first meeting in February 2016. The motion was seconded by Councilmember Southerland. Comments were shared about why this item should not be denied, including future impact on the Bryan school district. Other comments were shared about possible negative impacts of such restrictions. Deputy City Manager Joey Dunn provided information about the subject area. The City Attorney advised there were legal problems with the agenda item as written, including that the City could restrict land uses but not dollar values on homes. She added a rezoning application was already pending and had to be considered by the Planning and Zoning Commission before it could be considered by Council. It was suggested staff could be prepared with maps, suggestions, etc., when the rezoning is considered by the Council, and that staff articulate to the developer the desire that the development be conducive to positive growth in the city. A point of order was raised to remind Councilmembers not to make personal attacks on others. After discussion, the motion to deny carried with five yeases and two noes (Councilmembers Saenz and Peña).

7. COUNCIL COMMITTEE REPORTS

Councilmember Owens and Southerland provided a report on a recent meeting of the City of Bryan/Bryan ISD Committee.

8. CITY MANAGER REPORT

Mr. Register updated the Council on various capital improvement projects.

9. ITEMS OF COMMUNITY INTEREST

Councilmembers listed the following items of community interest: downtown Bryan Christmas parade, Habitat for Humanity home dedication, Holiday Magic, First Fridays in downtown, new businesses in downtown Bryan, Bryan-College Station annual holiday parade, etc. The Parks and Recreation Division was congratulated on its float that won first place in the large commercial category in the Bryan-College Station parade. Staff and citizens who supported the Mayor's Salvation Army bell ringing challenge were thanked. Everyone was wished happy holidays.

10. ADJOURN

Without objection, the meeting was adjourned at 2:54 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski